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Pharmaceuticals Inc.

10/517,101
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FACSIMILE COVER SHEET

DATE: December 8, 2005

NO. OF PAGES: 7
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TO: Petitions

RECEIVED

FAX NO.: 571-273-8300

25 JAN 2006

FROM: Kim Campbell

Legal Staff
International Division

Re: U.S. Application No. 10/517,101
Title: MODIFIED RELEASE, MULTIPLE UNIT DRUG DELIVERY SYSTEMS
Our Ref.: RLL-266US

Dear Sir,

Please find attached the Petition to File When Inventor cannot be reached and the Declaration regarding the above matter.

Thank you.

Kim Campbell
Kim Campbell
Paralegal- Patents

CONFIDENTIALITY NOTE:

The information contained in this facsimile message is strictly privileged and confidential intended only for the recipient of file #10/517,101
individual or entity named above.
Date REC'D: 03/08/2006 Date FILED: 03/09/2006
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RLL-266US

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this paper is being facsimile
 transmitted to the United States Patent and Trademark Office
 at (571) 273-8300 on the date shown below.
 Date: December 8, 2005 Kim Campbell
 Kim Campbell

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

Applicant: KUMAR et al.

Application No.: 10/517,101

Filed: December 7, 2004

Title: MODIFIED RELEASE, MULTIPLE UNIT DRUG DELIVERY SYSTEMS

PETITION TO FILE WHEN INVENTOR CANNOT BE REACHED
UNDER 37 CFR § 1.47

Mail Stop Petitions
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

Dear Sir:

In response to the Notice of Missing Requirements Under 35 U.S.C. 371 dated May 9, 2005, Applicants hereby petition to waive the execution of the Declaration by inventor Ravikumar NITHIYANANDAM as an inventor of the above referenced application. Mr. Nithiyandam has been presented with a copy of the application papers and have failed to respond to the request to sign the declaration. To date we have made numerous attempts to contact Mr. Nithiyandam but have not received a response. Mr. Narayanan last known address is No. 24, Bairavan Kovil Street, Dharapuram, Erode District, 638656 Tamilnadu India. Applicants hereby submit as set forth in 37 CFR § 1.47 the Declaration executed by all other inventors.

Rec'd PCT/PTO 08 DEC 2005

RLL-266US

10/517101

Authorization is hereby given to charge any fees associated herewith to Deposit

Account No. 50-0912.

Respectfully submitted,

KUMAR et al.

Date: December 8, 2005

By William D. Hare
William D. Hare
Reg. No. 44,739

Customer No. 26815

FEE VALUE	
ACCOUNTABILITY	
DEPOSIT ACCOUNT NO.	
50	0912
Fee	Value
Code	Published
1255	2160
1617	130

01/23/2006 WALVARAD 00000001 500912 10517101
 Sale Ref: 00000001 DAH: 500912 10517101
 01 FC:1255 2160.00 DA
 02 FC:1617 130.00 DA

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Docket No.
RLL-266US

Declaration and Power of Attorney For Patent Application

English Language Declaration

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled
MODIFIED RELEASE, MULTIPLE UNIT DRUG DELIVERY SYSTEM ✓

the specification of which

(check one)

is attached hereto.

was filed on June 9, 2003 ✓ as United States Application No. or PCT International Application Number PCT/IB03/02186

and was amended on _____

(if applicable)

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or (f), or 365(b) of any foreign application(s) for patent, or plant breeder's rights certificate(s), or 365(a) of any PCT International application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent, inventor's or plant breeder's rights certificate(s), or any PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application(s)		Priority	Not Claimed
<u>617/Del/2002</u>	<u>India</u>	<u>07/06/2002</u>	<input type="checkbox"/>
(Number)	(Country)	(Day/Month/Year Filed)	<input type="checkbox"/>
(Number)	(Country)	(Day/Month/Year Filed)	<input type="checkbox"/>
(Number)	(Country)	(Day/Month/Year Filed)	<input type="checkbox"/>

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I hereby claim the benefit under 35 U.S.C. Section 119(e) of any United States provisional application(s) listed below:

(Application Serial No.)	(Filing Date)
(Application Serial No.)	(Filing Date)
(Application Serial No.)	(Filing Date)

I hereby claim the benefit under 35 U. S. C. Section 120 of any United States application(s), or Section 365(c) of any PCT International application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of 35 U.S.C. Section 112, I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, C. F. R., Section 1.56 which became available between the filing date of the prior application and the national or PCT International filing date of this application:

(Application Serial No.)	(Filing Date)	(Status) (patented, pending, abandoned)
(Application Serial No.)	(Filing Date)	(Status) (patented, pending, abandoned)
(Application Serial No.)	(Filing Date)	(Status) (patented, pending, abandoned)

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

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POWER OF ATTORNEY: As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith. (*list name and registration number*)

5
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3-00
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4-00
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Fourth Inventor's signature

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3/8/05

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Full name of sixth Inventor, if any

Sixth Inventor's signature

Date

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Citizenship

Post Office Address